

Remarks

Consideration of the above-referenced application based on the following remarks is respectfully requested.

A Request for Approval to Amend the Drawings is enclosed herewith. Applicants submit that no new matter is introduced by way of this amendment. The amendment is to correct the directions of some of the arrows in Figure 5, and is supported on page 11, lines 4 through 10 of the specification as originally filed.

Claims 1 – 5, 7, 10, 11, 13 and 18-22 are in the case. Claims 13 and 18 are amended hereinabove. No new matter has been added.

Claim 13 is amended to recite that the a fragmenter can divide the message into fragments at the application protocol layer. The amendment is supported on page 2, line 31 of the application.

In the parent application, Serial No. 08/572,481, claims 1 – 5, 7, 10, 11, 13 and 18-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kralowetz, et al in view of Lahtinen.

Applicants respectfully traverse the rejection of claims 1 – 5, 7, 10, 11, 13 and 18-22 over Kralowetz, et al in view of Lahtinen. There is no suggestion in the prior art to combine the teachings of Kralowetz et al. and Lahtinen. However, even if the references are combined, the requirements of the claims are not met. Independent claim 1 (lines 6-7), claim 13 (lines 4-5), and claim 18 (line 4) recite that **the data is fragmented at the application protocol layer**. Kralowetz et al. discloses that the data is fragmented in the proxy engine, column 10, lines 27-28. Applicants respectfully submits that nowhere in Kralowetz et al. does it state at what protocol layer the proxy engine is located, nor does it state that the proxy engine could be at the application protocol layer.

Kralowetz et al. does suggest that the proxy engine is at a layer below the application protocol layer. Kralowetz et al. discloses “The invention allows **an application running above the proxy engine** to ‘leverage’, or take advantage of, all the advanced set of features described . .

. ” (emphasis added), column 3, line 58-60. This statement points out that applications run above the proxy engine, which implies that the proxy engine is at a layer below the application protocol layer. Therefore, Kralowetz et al. does not teach or suggest that **the data is fragmented at the application protocol layer** as required by independent claim 1 and its associated dependent claims 2-5, 7, and 10-11, independent claim 13, and independent claim 18 and its associated dependent claims 19-22.

Lahtinen does not disclose fragmenting the data at all, and therefore does not disclose fragmenting the data at the application protocol layer, as required by independent claim 1 and its associated dependent claims 2-5, 7, and 10-11, independent claim 13, and independent claim 18 and its associated dependent claims 19-22.

Applicants further respectfully submit that there is no suggestion in the prior art to modify the teachings of Kralowetz et al. and Lahtinen to obtain the requirements of claims.

Since Kralowetz et al. or Lahtinen, taken alone or in combination, do not disclose or suggest **fragmenting the data into fragments at the application protocol layer** as required by independent claim 1 and its associated dependent claims 2-5, 7, and 10-11, independent claim 13, and independent claim 18 and its associated dependent claims 19-22, it is respectfully submitted that claims 1-5, 7, 10-11, 13 and 18-22 are patentable under 35 U.S.C. § 103(a) over Kralowetz et al. in view of Lahtinen.

In the parent application, Serial No. 08/572,481, claims 13, and 18-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kralowetz, et al in view of Pohjakallio.

Applicants respectfully traverse the rejection of claims 13, and 18-22 over Kralowetz, et al in view of Pohjakallio. There is no suggestion in the prior art to combine the teachings of Kralowetz et al. and Pohjakallio. However, even if the references are combined, the requirements of the claims are not met. Independent claim 13 (lines 4-5) and claim 18 (line 4) recite that the data is fragmented at the application protocol layer. As stated in the arguments above, Kralowetz et al. discloses that the data is fragmented in the proxy engine, column 10, lines 27-28. Kralowetz et al. does not disclose at what protocol layer the proxy engine is located; therefore, Kralowetz et al. does not disclose that the proxy engine is located at the application protocol layer. However, Kralowetz et al. does suggest that the proxy engine is at a layer below the application protocol layer. Kralowetz et al. discloses “The invention allows **an application**

Since Kralowetz et al. or Pohjakallio, taken alone or in combination, do not disclose or suggest:

- i) **fragmenting the data into fragments at the application protocol layer**, as required by independent claim 13 and independent claim 18 and its dependent claims 19-22;
- ii) **packaging the fragments into the data packages such that the data packages are operable to be separately transmitted by a short message service** as required by independent claim 18 and its dependent claims 19-22;

it is respectfully submitted that claims 13 and 18-22 are patentable under 35 U.S.C. § 103(a) over Kralowetz et al. in view of Pohjakallio.

In the advisory action of the parent application, Serial No. 08/572,481, the Examiner stated that "Kralowetz, et al. "...suggest..." that the proxy engine is at at or even above the application protocol layer."

Applicants respectfully disagree with the Examiner's position.

Applicants have reviewed the Kralowetz reference and cannot locate the suggestion that the proxy engine is at or even above the application protocol layer. The Examiner did not point out where in Kralowetz et al. there is such a suggestion. Therefore, Applicants respectfully request the Examiner point out where in the Kralowetz reference there is such a suggestion.

In addition to the reasons stated above in the discussion of Kralowetz et al., Applicants respectfully disagree with the Examiner's position that Kralowetz, et al. "...suggest..." that the proxy engine is even above the application protocol layer because this position appears to be in conflict with column 2, lines 25-26, of Kralowetz et al.. In column 2, lines 25-26 Kralowetz et al. states that "The application layer is the top layer of the model". This statement implies that there is nothing in the model above this layer and therefore the proxy engine cannot be above this top layer of the model.

If there are any outstanding issues, the Examiner is invited to call applicants' attorney at 973-386-8803 to discuss this application.

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